

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**ROGER D. CHAMBLISS and  
MOLLY L. CHAMBLISS,**

**Plaintiffs,**

**v.**

**BANK OF AMERICA, N.A.,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**3:12-00955  
Judge Sharp**

**ORDER**

In this action which was removed from state court, Defendant Bank of America N.A. has filed a “Motion to Dismiss Plaintiffs’ Complaint” (Docket No. 5). In response, Plaintiffs concede that, as presently pleaded, Count I is preempted by the Fair Credit Report Act, but request leave to cure this deficiency (Docket No. 7). Plaintiffs also assert that, to the extent deficiencies have been identified by the Defendant with respect to the remaining counts of the Complaint, the same can also be cured by amendment.

Accordingly, Defendant’s “Motion to Dismiss Plaintiffs’ Complaint” (Docket No. 5) is hereby DENIED. Within thirty (30) days of the date of entry of this Order, Plaintiffs shall file an amended Complaint.

It is SO ORDERED.

  
\_\_\_\_\_  
KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE